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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,960	12/11/2003	Graham N. Pearce	555255012668	9286

33787 7590 11/16/2006

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EXAMINER

EKONG, EMEM

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/732,960	PEARCE, GRAHAM N.	
	Examiner	Art Unit	
	EMEM EKONG	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 10/05/2006 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. **Claims 1, 3-5, and 7-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/0165012 A1 to Kirbas et al. in view of U.S. Publication No. 2004/0198335 A1 to Campen.

**Regarding claims 1 and 5, Kirbas et al. discloses** a wireless communication device for use by an individual of an enterprise, comprising: a radio modem which receives long distance call restriction information (paragraph 0006 lines 6-11, pars. 17-18, and paragraph 0026 lines 5-7, i.e. wireless communications device 100 downloads instruction via antenna 210 of transceiver 140); the long distance call restriction information being indicative of one or more country codes or area codes (par. 3 lines 10-14, pars. 4, 9, 23, and 25), memory (i.e. memory 130) for storing the received long distance call restriction information received from the host enterprise server (paragraphs 0003, 0006 lines 11-13, par. 17 lines 5-10, and pars. 26-27, inherently, information is downloaded from a host enterprise server); a user interface which is configured to receive a telephone call attempt from the wireless device of the individual(see figure 1, figure 2 step 220, paragraph 0006 lines 13-17, and paragraph 0022, i.e. input device 170); a controller which is configured to: determine whether the call attempt is restricted by the long distance call restriction information (see figure 1, figure 2 step 250, paragraph 0006 lines 17-21, and paragraph 0022, i.e. controller 120); if the call attempt is restricted by the long distance call restriction information, restrict the call attempt from the wireless device (paragraphs 00022-0023); and if the call attempt is not restricted by the long distance call restriction information, allow the call attempt from the wireless device (paragraphs 00022-0023).

However, Kirbas et al. fails to disclose the call restriction information received from a host enterprise server of a private communication network of the enterprise

which is outside of the wireless communication network within which the wireless device operates.

Campen discloses the call restriction information received from a host enterprise server of a private communication network of the enterprise which is outside of the wireless communication network within which the wireless device operates (see figure 1 and pars. 12-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kirbas et al., and have the call restriction information received from a host enterprise server of a private communication network of the enterprise which is outside of the wireless communication network within which the wireless device operates for the purpose of using received restriction information in controlling usage of the device.

**Regarding claims 3, 4, 7, and 8, the combination of Kirbas et al. and Campen** discloses the wireless device of claim 5, wherein the radio modem is configured to receive the long distance call restriction information which is pushed to the wireless device (Kirbas et al., pars. 25-26).

**Regarding claim 9, the combination of Kirbas et al. and Campen** discloses the wireless device of claim 5, further comprising: wherein the radio modem receives long distance call restriction information of a user profile which uniquely corresponds to a mobile or subscriber identifier stored in the wireless device (Kirbas et al., pars. 21-24).

**Regarding claim 10, the combination of Kirbas et al. and Campen** discloses the wireless device of claim 5, further comprising: a smart card interface for receiving a smart card; and wherein the radio modem receives long distance call restriction information of a user profile which uniquely corresponds to an identifier stored on the smart card (Kirbas et al., see figure 1, and paragraph 0017).

3. **Claims 2 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirbas et al., in view of Campen, and further in view of US Patent No 6,295,447 B1 to Reichelt et al.

**Regarding claims 2 and 6, the combination of Kirbas et al. and Campen** discloses the method of claim 1, however, the combination fails to disclose wherein the wireless device is operative in accordance with General Packet Data Service (GPRS).

Reichelt et al. discloses wherein the wireless device is operative in accordance with General Packet Data Service (GPRS) (col. 4 lines 44-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have the wireless device is operative in accordance with General Packet Data Service as disclosed by Reichelt et al. for the purpose of using call restriction on such network.

4. **Claims 14-16 and 18**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirbas et al. in view of U.S Publication No. 2006/0210046 A1 Smith.

**Regarding claims 14 and 16, Kirbas et al.** discloses a wireless communication device comprising: a user interface which is configured to receive a telephone call attempt from an end user of the wireless device; memory for storing long distance call restriction information which is indicative of one or more country codes or area codes, a radio modem which is configured for communication with a wireless communication network if the response is positive, allowing the telephone call; and if the response is negative, restricting the telephone call and providing an audible or visual alert at the wireless device(see figures 1, and 2, and paragraphs 0006, 0021, and 0022).

However, Kirbas et al. fails to disclose a controller which is configured to: cause a query request to be transmitted to a host computer network through the radio modem to identify whether a telephone call to the telephone number should be restricted based on long distance call restriction, determine whether the call attempt is restricted by comparing a country code or area code of a telephone number of the call attempt with the one or more country the long distance call restriction information.

Smith discloses a query request to be transmitted to a host enterprise server of a private communication network of the enterprise, through that radio modem to identify whether a telephone call to the telephone number should be restricted based information stored in the private communication network; receive, from the host enterprise server through that radio modem, a response to the query request which is based on a comparison of a call restriction information (pars. 76-84).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kirbas et al. as disclosed by Smith above for the purpose of screening calls that are made based on call restriction information.

**Regarding claim 15, the combination of Kirbas et al. and Smith** discloses the method of claim 14, comprising the further act of: transmitting the query only if the telephone number is identified as being a long distance telephone number (Kirbas et al., paragraphs 0006, and 0022).

**Regarding claim 18, the combination of Kirbas et al. and Smith** discloses the method of claim 16, wherein the enterprise server is for use in the private communication network which is outside of the wireless communication network within which the wireless device operates (Smith, par. 19).

5. **Claims 17, 19, and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,081,731 to David Boltz (Boltz et al.) in view of Smith.

**Regarding claims 17, and 19, Boltz et al.** discloses a method of providing restrictions of long distance calls from a wireless communication device for an individual in the enterprise, for each of a plurality of individuals in the enterprise, the method comprising the acts of: maintaining storage of long distance call restriction information in a user profile associated with the individual of the enterprise, the long distance call restriction information being indicative of one or more country codes or area codes (col.



2 line 63 - col. 3 line 16, and col. 3 lines 65 – col. 4 line 11); receiving, through a wireless communication network, a query request from a wireless communication device of the individual which is attempting to place a telephone call to a telephone number through the wireless communication network, where the query request includes data indicative of a country code or area code of the telephone number (col. 3 lines 1-19); in response to the query request, searching the long distance call restriction information to identify whether the telephone call with the country code or area code should be allowed or restricted by comparing a county code or area code of a telephone number of the call attempt with the one or more country codes or area codes of the long distance call restriction information; and causing a response to be sent to the wireless device which indicates whether the telephone call is allowed or restricted (col. 2 line 63 - col. 3 line 29, col. 3 line 54 – col. 4 line 29, and col. 5 lines 40-45).

In a similar field of endeavor, Smith discloses in a host enterprise server of a private computer network of an enterprise (see figures 1-5, and par. 19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Boltz et al., and have a host enterprise server of a private computer network of an enterprise as disclosed by Smith for the purpose of utilizing the method in a private network to provide call processing (par. 19 lines 10-12).

**Regarding claim 21, the combination of Boltz et al. and Smith** discloses the host enterprise server of claim 19, having the memory for storing the plurality of user profiles, which are unique to each individual of the enterprise (pars. 32-33).

***Allowable Subject Matter***

6. **Claims 11-13** are allowed.

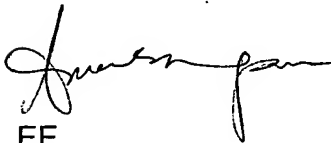
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EE  
11/09/2006

JEAN GELIN  
PRIMARY EXAMINER  
